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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following report of the Joint Committee of the Houses of Parliament on the Bill further to amend the Delhi Rent Control Act, 1958 was presented to the Rajya Sabha on the 6th December, 1968.

COMPOSITION OF THE JOINT COMMITTEE

MEMBERS

RAJYA SABHA

1. Shri Lokanath Misra—*Chairman*
2. Shri P. C. Mitra
3. Shri Jagat Narain
4. Shri Bhawani Prasad Tiwari
5. Kumari Shanta Vasisht

6. Shri M. P. Bhargava
*7. Shri Sitaram Jaipuria
*8. Dr. Bhai Mahavir
*9. Shri Sherkhan
*10. Shri T. Chengalvaroyan

LOK SABHA

11. Shri Bashweshwar Nath Bhargava
12. Shri Maharaj Singh Bharti
13. Chowdhry Brahm Perkash
14. Shri Krishna Kumar Chatterji
15. Shri Benoy Krishna Daschowdhury
16. Shri Hardayal Devgun
17. Shri C. T. Dhandapani
18. Shri Hari Krishna
19. Sardar Iqbal Singh
20. Shri Lakhan Lal Kapoor
21. Shri Bhanudas Ramchandra Kavade
22. Shri Latafat Ali Khan
23. Shrimati Sucheta Kripalani
24. Shri Bakar Ali Mirza
25. Dr. Sushila Nayar
26. Shri Jaganath Rao
27. Shri P. G. Sen
28. Shri Satya Narain Singh
29. Shri S. Xavier
30. Shri Diwan Chand Sharma.

*Appointed on the 10th May, 1968, respectively *vice* Shri Vimal Kumar M. Chordia, Shri D. P. Karmarkar, Shri Sewak Singh and Shri G. D. Tapase, who retired from the membership of the Rajya Sabha on the 2nd April, 1968.

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which the Bill* further to amend the Delhi Rent Control Act, 1958, was referred, having been authorised to submit the Report on their behalf, present this their Report, with the Bill as amended by the Committee, annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 8th May, 1964. The motion for consideration of the Bill was moved in the House by Shri M. P. Bhargava, M.P. on the 26th November, 1965. At the same sitting an amendment to the motion that the Bill be circulated for eliciting opinion thereon by the 31st March, 1966, was moved by the then Member, Thakur Bhanu Pratap Singh. This date was extended, on an amendment, upto the 31st August, 1966, and the motion for circulation of the Bill was adopted by the House on the 4th March, 1966. The motion for reference of the Bill to a Joint Committee of the Houses was moved on the 15th December, 1967 by Shri M. P. Bhargava and was adopted on the same day (Appendix I).

3. The Lok Sabha discussed and concurred in the motion on the 29th March, 1968 (Appendix II). As the Rajya Sabha was not then in session, the message from the Lok Sabha was circulated to the members of the Rajya Sabha on the 2nd April, 1968.

4. The Report of the Committee was to be presented by the 30th September, 1968. The Committee were, however, granted an extension of time upto the last day of the Sixty-sixth (November-December 1968) Session.

5. The Committee held thirteen sittings in all.

6. At their first sitting held on the 10th May, 1968, the Committee decided to issue a Press Communique inviting memoranda from associations and individuals interested in the subject-matter of the Bill and to hear evidence from them. The Committee also authorised their Chairman to decide, after examining the memoranda submitted by the associations and individuals, as to who should be called to give oral evidence before the Committee.

7. Ninety-two memoranda/representations on the Bill were received by the Committee from various associations/individuals (Appendix III).

8. The Committee heard evidence tendered by twenty-three witnesses (Appendix IV).

*Published in Part II, section 2 of the Gazette of India Extraordinary, dated the 8th May, 1964.

9. The Committee have decided that the evidence tendered before them should be printed and laid on the Table in both the Houses.

10. The Committee considered and adopted the Report on the 29th November, 1968.

11. During the course of the evidence tendered before the Committee, various defects and lacunae in the Delhi Rent Control Act, 1958, were brought to the notice of the Committee. The Committee could not make any recommendations in respect thereof as these were outside the purview of the present bill. A decade has passed since the enactment of the Act and the situation as it existed then has also undergone considerable change. The Committee, therefore, feel that the Act as a whole should be examined afresh by Government with a view to bringing forward a comprehensive legislation on the subject.

12. The principal changes suggested by the Committee in the Bill and reasons therefor are set out below:—

Clause 2

Paragraph (*i*):

The Committee feel that the period of four months during which a non-residential premises may not be utilized for the purpose for which it was let out is short and should be extended to six months in the interest of the tenant. The Committee have accordingly made necessary amendment in para (dd). Incidentally, such an amendment would be in line with the provisions relating to non-utilization of a premises let for residential purposes contained in section 14(1)(d) of the principal Act.

Paragraph (*ii*) [*sub-para* (*h*)]:

Clause (h) of section 14(1) of the Delhi Rent Control Act, 1958, provides that if a tenant has, whether before or after the commencement of the said Act, built, acquired vacant possession of, or been allotted, a residence, he is liable to be evicted. This ground of eviction has been extended by the Bill to cover any member of the tenant's family dependent on him or residing with him. The Committee feel

that such extension should not have retrospective effect. The Committee have therefore amended sub-paragraph (h) so that if any member of a tenant's family builds, acquires vacant possession of, or is allotted, a residence after the enactment of the present Bill, he could be evicted. The Committee have, however, taken care to see that this provision will apply only when any member of the family of the tenant not only is dependent on him but also resides with him.

[*Sub-para. (hh) (original)*]:

The Committee are of the opinion that in the principal Act there are enough provisions under which a landlord can evict the tenant and get back his premises when he requires it for his *bona fide* use and as such there is no necessity of making any provision for the eviction of a tenant on the ground that "he has been in continuous occupation of any residential premises, of which the rent is rupees one hundred or more per month, for a period exceeding twenty-one years". Such a provision, in the opinion of the Committee, would cause hardship and harassment to the tenants. The Committee have, therefore, omitted sub-paragraph (hh) together with the explanation thereto.

Paragraph (iii)—

[*Sub-para. (jj)*]:

The Committee are of the view that constructions of a minor nature carried out by a tenant should not be a ground for eviction. The Committee therefore feel that permanent and substantial structure erected on the premises by the tenant unauhorisedly may alone be ground for eviction. The sub-paragraph has been suitably modified.

[*Sub-para. (jjj)*]:

The Committee are of the opinion that before a tenant is evicted on the ground of using the premises or allowing it to be used for immoral or illegal purposes, there must be a prior conviction of the tenant by a court of law for such immoral or illegal act. The Committee have accordingly modified sub-paragraph (jjj).

Clause 3

The Committee are of the opinion that the question whether a residential building could be converted into a non-residential one, should be decided by the Central Government only and not by the

Controller. The Committee have, therefore, substituted the words "Central Government" for the word "Controller".

Clause 4

The clause empowered the Central Government or the Chief Commissioner of Delhi (*now* Lt. Governor) to exempt any building or class of buildings from all or any of the provisions of the Delhi Rent Control Act, 1958. The Committee feel that this power of exemption should vest in the Central Government alone and in no other authority. The Committee also feel that before granting exemption the Central Government should record in writing, reasons for such exemption and should also publish the order of exemption in the Official Gazette for general information. The Committee have amended the clause accordingly.

13. The other changes made by the Committee in the Bill are of a formal or verbal nature.

14. The Committee recommend that the Bill, as amended, be passed.

NEW DELHI;
November 29, 1968.

1 *Chairman of the Joint Committee.*

विमति टिप्पण

I

मैने देहली रेण्ट कन्ट्रोल तरमीमी बिल के सम्बन्ध में कमेटी में किरायेदारों तथा मालकान मकान के बयान तथा ख्यालात बड़े ध्यान से सुने और पढ़े हैं। बिल जिस शकल में कमेटी में पास हुआ है, उसके सम्बन्ध में बड़े अदब के साथ मैं यह लिखना चाहता हूं कि मैं इस बिल को मालिक मकान के हक में और किरायेदारों के खिलाफ समझता हूं और मैं यह चाहता हूं कि इस बिल को इस शकल में संसद में पेश नहीं करना चाहिए। जैसा कि तमाम मेम्बरान कमेटी ने यह अनुरोध किया है देहली रेण्ट कन्ट्रोल ऐक्ट में हालात के अनुसार काफी तबदीली करने की आवश्यकता है। इसलिये मौजदा तरमीमी बिल को भी उसी समय ससद के सामने पेश करना चाहिए जब कि सारे बिल में किरायेदारों और मालकान के नज़रिये को सामने रख करके तबदीली करनी हो। मैं यह तसलीम करता हूं कि मालिक मकान भी देहली में ऐसे है जिनका अपने किरायेदारों से कष्ट पहुंच रहा है। मगर किरायेदार हजारों की तादाद में ऐसे हैं जो मालकान से बेहद तंग हैं और उनकी और उनके परिवार की जिन्दगियां भी खतरे में हैं। देहली में मालिक मकानात की तादाद 10 फी सदी ही होगी। उसमें से शायद एक या दो फी सदी तंग होंगे मगर किरायेदारों की तादाद अस्सी फी सदी है। इसलिये किरायेदार 30 या 40 फी सदी दुःखी और तंग हैं। यह तरमीमी बिल किरायदारों को दबाने के लिये बन रहा है। मैं इसकी मुखालफत करते हुए यह कहना चाहता हूं कि सारे पिछले रेण्ट कन्ट्रोल एक्ट में तबदीली करके ही ऐसा मुकम्मल बिल संसद में पेश करना चाहिए जिससे मालिक मकान और किरायेदार दोनो को राहत मिल सके। इसलिये इस बिल को संसद में पेश नही करना चाहिये।

जगत नारायण

II

The Delhi Rent Control (Amendment) Bill, 1964, now under consideration, seems to be a controversial one. The Act as it is, with all its latest amendments, is unable to satisfy the requirements of both landlords and tenants. It is clear from evidences tendered before the Committee that both sides *i.e.* landlords and tenants have their genuine grievances. But the present amendments will be in no better position to satiate grievances of any sections of landlords and tenant; on the other hand the present amendments will only lend a sharpened weapon in the hands of landlords to vacate premises occupied by tenants on certain flimsy grounds or others as incorporated in the amending Bill. One would clearly find that the amending Bill, if enacted would be a colourable piece of legislation, as it

steps into social injustice in the garb of doing justice to the landlords. Hence I oppose the Delhi Rent Control (Amendment) Bill, 1964.

Nevertheless to remove grievances of both sections *i.e.* landlords and tenants, and also to do justice to them, I suggest that there should be one "Delhi Premises Tenancy Act", a more comprehensive one, taking both Delhi Rent Control Act and Slum Clearance Act into one, incorporating justiceable demands of all groups or sections.

B. K. DASCHOWDHURY.

NEW DELHI;
November 29, 1968.

III

तीव्र गति से बढ़ती हुई जनसंख्या ने देहली मे आवास का संकट उत्पन्न कर दिया है। 80 प्रतिशत मेहनतकश श्रमिक और बाबुओं के लिये गत 20 वर्षों में कोई मकान नहीं बनाये गये । प्राय: सभी कालोनी और मकान बड़े लोगो के लिये बनाये जाते हैं और उन्हीं मकानों में से एक कमरा ऊचे किराये पर लेकर मेहनतकश रहता है ।

देहली रेण्ट कन्ट्रोल अधिनियम, 1958 पर व्यापक रूप से विचार और संशोधन करने की सिफारिश तो कमेटी ने की है परन्तु केवल रेण्ट कन्ट्रोल से आवास और किराये की समस्या हल नहीं होगी । मकानों के निर्माण सम्बन्धी जितने विभाग और नियम हैं, उन सब में भी इस प्रकार का संशोधन करने की जरूरत है कि प्रत्येक नई बसनेवाली कालोनी में 80 प्रतिशत जमीन छोटे किरायेदारों के मकानों को दी जाये और प्रत्येक मकान पर कई मंजिल बनाने और एक मंजिल को छोड़ कर शेष सभी मंजिलों में, एक या दो कमरों के स्वतन्त्र फ्लेट बनाने की जिम्मेदारी, भवन के मालिक पर लादी जाये । यदि आवश्यकता पड़े तो सरकार स्वयं बड़े स्तर पर छोटे फ्लेट भवन निर्माण करे अन्यथा स्लम, झुग्गी झोंपड़ी और किराये में वृद्धि तथा पगड़ी बढ़ती चली जायेगी और रेण्ट कन्ट्रोल अधिनियम कोई राहत नहीं दे सकेगा ।

नई दिल्ली; महाराज सिंह भारती

नवम्बर 29, 1968